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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34,37-39 and 42-44* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34,37-39 and 42-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is made in response to Amendment Under 37 CFR 1.111

("Reply"), filed December 1, 2009. Applicant has amended Claims 1, 11, and 21; has

canceled Claims 35, 36, 40, 41, 45, and 46; and no claims have been added. As

amended, Claims 1-34, 37-39, and 42-44 are presented for examination.

2.   In Office action of September 2, 2009 ("Office Action"):

Claims 34, 39, and 44 were rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the enablement requirement.

Claims 1-32, 34-37, 39-42, and 44-46 were rejected under 35 U.S.C. 102(e) as

being anticipated by Yen et al., United States Patent (6,668,278 B1), hereinafter "Yen".

Claims 33, 38, and 43 were rejected under 35 U.S.C. 103(a) as being

unpatentable over Yen in view of Trajkovic et al, United States Patent (6,839,072 B2),

hereinafter "Trajkovic".

Response to Arguments

3.   Applicant's arguments, see Reply Pages 12-15, have been fully considered, but

they are not persuasive.

Applicant presents that Yen does not describe, teach, or suggest "wherein said

user decides if and when said user announcement should be received, wherein said

user chooses when to view said announcement" because "Yen notes that the recipient

may explicitly set the threshold responsive to certain factors. Yen also notes that the

alert threshold may be **implicitly** responsive (that is, **not** set explicitly by the recipient)."

Applicant further states that "Yen does not describe, teach, or suggest, however, that a user decides if and when an alert should be **received**, **and** **when to view the alert**." (emphasis added by Applicant, as presented in Reply Page 14; with further reference to Yen Col. 12 Lines 7-31).

Applicant appears to be arguing that the "exogenous factors" of Yen are only implicitly used as an alert threshold, such that the user can not explicitly control these factors. However, the Examiner notes that Yen states (Col. 12 Lines 7-11 and cited by Applicant in Reply Page 14) the alert threshold is responsive to "Being set explicitly by the recipient. The recipient can specify separate threshold responsive preference factors and exogenous factors described just below." Yen then states that the exogenous factors include, for example, "the day of the week" and "a time of day" (Col. 12 Lines 27-31 and cited by Applicant in Reply Page 14). From these two sections of Yen, it is the Examiner's position that Yen discloses that a recipient can specify an alert threshold based on factors such as the day of the week and the time of day. Therefore, the Examiner submits that Yen teaches "wherein said user decides if and when said user announcement should be received, wherein said user chooses when to view said announcement" as required by Claims 1, 11, and 21.

Claim Rejections - 35 USC § 112

4.   Applicant has canceled "without any input from said user", which as previously

presented in Claims 1, 11, and 21. Therefore the rejection of Claims 34, 39, and 44

under 35 U.S.C. 112, first paragraph is withdrawn.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-32, 34, 37, 39, 42, and 44 are rejected under 35 U.S.C. 102(e) as being

anticipated by Yen et al., United States Patent (6,668,278 B1), hereinafter "Yen".

7.   In reference to Claim 1, Yen teaches a method for providing information related

to a broadcast television program (generally shown in State Diagram of Fig. 2, as

introduced in Col. 12 Lines 50-58), the method comprising:

generating an announcement, remotely from a user's home, (additional

information from broadcast television provider, internet service, or intranet service, as

described in Col. 4 Line 65—Col. 5 Line 65; with further reference to Col. 6 Lines 35-44,

Col. 7 Line 25—Col. 8 Line 33, Col. 13 Lines 7-19);

delivering said announcement along with the broadcast television program for display on a television screen within the home (Background Element 121 receives and identifies information which is likely to be interesting to the recipient for display on Output Device 131 of Fig. 1, as described in Col. 6 Lines 1-9, Col. 7 Lines 25-40),

wherein said user decides if and when said announcement should be received (recipient can set an alert threshold responsive to exogenous factors such as a day of the week or a time of day, as described in Col. 12 Lines 7-46),

wherein said user chooses when to view said announcement (recipient can set an alert threshold responsive to exogenous factors such as a day of the week or a time of day, as described in Col. 12 Lines 7-46),

wherein the announcement is displayed on the television screen (Foreground Element 122 presents an indicator for the item, as described in Col. 6 Lines 14-19, Col. 11 Line 58—Col. 12 Line 2), said announcement is independent of media content that is being displayed on said television screen at the time of said announcement (Foreground Element 122 can determine which information items can or should be displayed to the recipient, as described in Col. 9 Lines 27-50), and said announcement is delivered based on a profile of said user (set of preferences for the recipient, as described in Col. 9 Lines 53-60; with further reference to Col. 11 Lines 42-57 and Col. 13 Lines 38-58); and

receiving an input from the user that corresponds to the delivered announcement (Foreground Element 122 can request confirmation from the recipient, and if confirmed, immediately begin displaying the information item, as described in Col. 11 Lines 46-49).

8.   In reference to Claim 2, Yen teaches the method according to Claim 1, wherein

the announcement comprises one or more of a service announcement, a media

announcement, and/or a data announcement (media announcements, such as

important news items as described in Col. 13 Lines 7-19; with further reference to Col. 4

Line 65—Col. 5 Line 65).

9.   In reference to Claim 3, Yen teaches the method according to Claim 1,

comprising determining whether the received input one of accepts or rejects the

delivered announcement (Foreground Element 122 can make several actions once the

information item is received, such as request confirmation from the recipient, as

described in Col. 11 Lines 42-57).

10.   In reference to Claim 4, Yen teaches the method according to Claim 3,

comprising, if the received input selection accepts the delivered announcement,

transferring media associated with the delivered announcement for display on the

television screen (if confirmed, Foreground Element 122 begins displaying the

information item, as described in Col. 11 Lines 46-49).

11.   In reference to Claim 5, Yen teaches the method according to Claim 4,

comprising transferring the media concurrently with viewing of the broadcast television

program (Background Element 121 is continuously operational to control the Information

Receivers 110 and to receive and process information therefrom, as disclosed in Col. 6

Lines 7-9).

12.   In reference to Claim 6, Yen teaches the method according to Claim 1,

comprising if the received input comprises an acceptance of the delivered

announcement and the delivered announcement comprises a service announcement,

delivering service information related to the service announcement to the user within the

home (electronic mail messages, as described in Col. 6 Lines 35-45; with further

reference to Col. 4 Line 65—Col. 5 Line 65 and Col. 13 Lines 7-19).

13.   In reference to Claim 7, Yen teaches the method according to Claim 1, wherein

the input is generated from one or more of a remote control, a keyboard, a scanning

device, and/or an audio processing device (Input Device 132, such as a television

remote control, as described in Col. 6 Lines 45-51).

14.   In reference to Claim 8, Yen teaches the method according to Claim 1,

comprising generating supplemental information related to the announcement in

response to the received input (information items are displayed following confirmation

as described in Col. 11 Lines 46-49 and Col. 9 Lines 13-50).

15.   In reference to Claim 9, Yen teaches the method according to Claim 8

comprising presenting the supplemental information to the user (display of information

items, as described in Col. 9 Lines 13-50).

16.   In reference to Claim 10, Yen teaches the method according to Claim 8,

comprising presenting on the television screen, the supplemental information to the user

concurrently with the broadcast television program (Foreground Element 122 can enter

active mode for presentation of information items in an unobtrusive location, as

described in Col. 11 Line 61—Col. 12 Line 2; with further reference to Col. 9 Lines 13-

50 and Col. 13 Lines 59-67).

17.   In reference to Claim 32, Yen teaches the method according to Claim 1, wherein

said user profile is established by said user (recipient's preferences are responsive to

being set explicitly by the recipient, as described in Col. 10 Lines 15-20).

18.   In reference to Claim 34, Yen teaches the method according to Claim 1,

comprising receiving said announcement based on interaction of said user (recipient's

preferences are responsive to being set implicitly by the recipient, such as based on

viewing habits, as described in Col. 10 Lines 21-25).

19.   In reference to Claim 11, Yen teaches a machine-readable storage having stored

thereon, a computer program having at least one coded section for providing

information related to a broadcast television program, the at least one coded section

being executable by a machine (Information Receiver 110 in conjunction with

Multiplexer 120, as described in Col. 4 Lines 26-64) for causing the machine to perform

the method of Claim 1 (as addressed above).

20.   The limitations of Claim 12 have been addressed with reference to the machine-

readable storage of Claim 11 and the method of Claim 2.

21.   The limitations of Claim 13 have been addressed with reference to the machine-

readable storage of Claim 11 and the method of Claim 3.

22.   The limitations of Claim 14 have been addressed with reference to the machine-

readable storage of Claim 11 and the method of Claim 4.

23.   The limitations of Claim 15 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 5.

24.   The limitations of Claim 16 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 6.

25.   The limitations of Claim 17 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 7.

26.   The limitations of Claim 18 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 8.

27.   The limitations of Claim 19 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 9.

28.   The limitations of Claim 20 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 10.

29.   The limitations of Claim 37 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 32.

30.   The limitations of Claim 39 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 34.

31.   In reference to Claim 21, Shoff teaches a system for providing information related to a broadcast television program (as shown in Fig. 1 and described in Col. 4 Line 23—Col. 7 Line 22), the system comprising: at least one processor (processor as part of

Multiplexer 120, as described in Col. 4 Line 23-34) that performs the method of Claim 1 (as addressed above).

32.   The limitations of Claim 22 have been addressed with reference to the system of Claim 21 and the method of Claim 2.

33.   The limitations of Claim 23 have been addressed with reference to the system of Claim 21 and the method of Claim 3.

34.   The limitations of Claim 24 have been addressed with reference to the system of Claim 21 and the method of Claim 4.

35.   The limitations of Claim 25 have been addressed with reference to the system of Claim 21 and the method of Claim 5.

36.   The limitations of Claim 26 have been addressed with reference to the system of Claim 21 and the method of Claim 6.

37.   The limitations of Claim 27 have been addressed with reference to the system of Claim 21 and the method of Claim 7.

38.   The limitations of Claim 28 have been addressed with reference to the system of Claim 21 and the method of Claim 8.

39.   The limitations of Claim 29 have been addressed with reference to the system of Claim 21 and the method of Claim 9.

40.   The limitations of Claim 30 have been addressed with reference to the system of Claim 21 and the method of Claim 10.

41.   In reference to Claim 31, Yen teaches the system according to Claim 21, wherein the at least one processor is one or more of a media processing system processor, a

media management system processor, a computer processor, media exchange

software processor, and/or a media peripheral processor (computer processor, as

described in Col. 4 Lines 23-34).

42.   The limitations of Claim 42 have been addressed with reference to the system of

Claim 21 and the method of Claim 32.

43.   The limitations of Claim 44 have been addressed with reference to the system of

Claim 21 and the method of Claim 34.

Claim Rejections - 35 USC § 103

44.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

45.   Claims 33, 38, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yen in view of Trajkovic et al, United States Patent (6,839,072 B2),

hereinafter "Trajkovic".

46.   In regards to Claim 33, Yen teaches the method according to Claim 1, however

does not explicitly disclose wherein said user profile is a default user profile assigned to

said user.

    In a similar field of invention, Trajkovic teaches a method and system for

organizing data related to television programs according to the preferences of a user

(Abstract). Trajkovic additionally teaches that a default user profile can be assigned to the user (Col. 3 Lines 49-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yen's teachings of delivering announcements based on a user profile to include a default user profile, as taught by Trajkovic, so that if a user does not have a profile one may be provided (as Trajkovic discusses in Col. 3 Lines 49-61).

47.   The limitations of Claim 38 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 33.

48.   The limitations of Claim 43 have been addressed with reference to the system of Claim 21 and the method of Claim 33.

Conclusion

49.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

50. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PATRICK A. RYAN whose telephone number is

(571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am -

5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Friday, February 26, 2010

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427